



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P. O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,901	03/12/2002	Marwan Anwar Jabri	021318-000110US	3677

20350 7590 12/07/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

AILES, BENJAMIN A

ART UNIT PAPER NUMBER

2142

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,901

Applicant(s)

JABRI, MARWAN ANWAR

Examiner

Benjamin A. Ailes

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. In response to applicant's telephone inquiry on 27 November 2006 regarding the last Office action, the following corrective action is taken.

The period for reply of 3 MONTHS set in said Office Action is restarted to begin with the mailing date of this letter.

2. The reference Bruno et al. (US 6,262,978 B1) was not correctly cited in the last Office action. The correct citation is shown on the attached PTO-892. Besides the correction made to the PTO-892, this supplemental office action is completely identical to the final office action mailed 27 October 2006.

3. Claims 1-30 remain pending.

Specification

4. The amendment to the specification has been entered into the record. Prior specification objection has been withdrawn.

Claim Objections

5. The amendments made to the claims have been entered into the record. Prior claim objections have been withdrawn.

6. Claims 28 and 29 are objected to because of the following informalities:

- Claim 28, "method" should be "system" in order to be consistent with claim 1 which is a system claim.
- Claim 29, "method" should be "system" in order to be consistent with claim 20 which is a system claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 12 recites the limitation "the format" in line 1 of the claim. There is insufficient antecedent basis for this limitation in the claim. For examination, the Examiner will assume "the format" refers to either a format for "the source capability" or a format for the "destination capability" and the format being from the group ITU, IETF and WAP. Appropriate clarification is requested and/or a correction to the claims is required. The amendment to claim 1 has not obviated the rejection.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-6, 9-14, 16, 18-20, 23-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (US 6,593,860), hereinafter referred to as Lai, in view of Bruno et al. (US 6,262,978 B1), hereinafter referred to as Bruno.

12. Regarding claim 1, Lai teaches a system for transferring multimedia information from a source location to a destination location through one or more networks, the system comprising: a

Art Unit: 2142

source output adapted to provide a first stream of information in a first protocol characterized by one of a plurality of source capabilities (col. 7, ll. 21-23, a content provider transmits media over a network); a destination input adapted to receive a second stream of information in a second protocol characterized by one of a plurality of destination capabilities (col. 6, line 66 – col. 7, line 4, a client receives media content via a network). Lai teaches the use of “a proxy transcoder (“PTS”) coupled between the source output and the destination input” wherein Lai teaches a transcoder transcodes media received from a source then transmits to a destination (col. 3, ll. 51-65 and Figure 6) but does not explicitly teach “wherein the PTS is adapted to perform transcoding of multimedia system protocols, the multimedia system protocols selected from the group consisting of H.320, H.323, H.324, and SIP”, however, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example, H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches “wherein the PTS is adapted to perform transcoding of multimedia system protocols, the multimedia system protocols selected from the group consisting of H.320, H.323, H.324, and SIP” as recited in claim 1. One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the system protocol conversion process as taught by Bruno with the source/destination capability detection and transcoding process as taught by Lai. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user by utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11). Lai teaches further the PTS comprising: a capability module adapted to identify one source capability of the plurality of source capabilities

and adapted to identify one destination capability of the plurality of destination capabilities (col. 10, ll. 50-57); a selection module adapted to select a transcoding process based upon the one source capability of the plurality of source capabilities and the one destination capability of the plurality of destination capabilities (col. 10, ll. 50-57); and a transcoding module adapted to use the selected transcoding process to process the first stream of information (col. 10, ll. 50-57).

13. Regarding claim 2, Lai and Bruno teach the system wherein the one or more transport networks are selected from a group comprising the Internet, a mobile network, a wide area network, a local area network, PTSN, ISDN, and SONET (Lai, col. 6, ll. 52-61). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 2.

14. Regarding claim 3, Lai and Bruno teach the system wherein at least one of the source output and the destination input is that of a remote device (Lai, col. 7, ll. 4-9). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 3.

15. Regarding claim 4, Lai and Bruno teach the system wherein the capability module identifies at least one of the output and input of the remote device, based on information stored in the device, based on user subscription information stored in a network database of the user's service provider, based on in-band information command and control within a stream exchanged, or pre-set by the service provider (Lai, col. 9, ll. 45-58). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 4.

16. Regarding claim 5, Lai and Bruno teach the system wherein the transcoding process selected by the capability module transcodes data from a first bitstream protocol mode to a second bitstream protocol mode (Lai, col. 21, ll. 4-10). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 5.

Art Unit: 2142

17. Regarding claim 6, Lai and Bruno teach the system wherein the PTS further comprising a rate control module regulating the data rate produced by the PTS (Lai, col. 21, lines 15-38). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 6.

18. Regarding claim 9, Lai and Bruno teach the system wherein the rate control module detects the network status information by using in-band information (Lai, col. 15, ll. 23-31). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 9.

19. Regarding claim 10, Lai and Bruno teach the system wherein the rate control module regulates the data rate by changing transcoding parameters (Lai, col. 21, ll. 36-38). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 10.

20. Regarding claim 11, Lai and Bruno teach the system wherein the rate control module regulates the data rate by instructing network equipment to give a higher priority to data being handled by the PTS than other data (Lai, col. 16, ll. 60-66). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 11.

21. Regarding claim 12, Lai and Bruno teach the system wherein the format of the capability is selected from a group comprising ITU, IETF, and WAP (Lai, col. 6, ll. 52-65 and col. 22, ll. 10-14). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 12

22. Regarding claim 13, Lai and Bruno teach the system wherein the one or more networks are selected from a plurality of different networks, each of the one or more networks being

configured for a particular standard (Lai, col. 18, lines 38-42). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 13.

23. Regarding claim 14, Lai and Bruno teach the system wherein the PTS further comprising a network addressing module to determine the network address of the source output and the network address of the destination input (Lai, col. 15, ll. 18-22). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 14.

24. Regarding claim 16, Lai and Bruno teach the system wherein the PTS further comprising an intellectual property rights management module to manage and process information on intellectual property rights (Lai, col. 15, lines 23-26). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 16.

25. Regarding claim 18, Lai and Bruno teach the system wherein the rate control module regulates the data rate dynamically and in real time (Lai, col. 14, ll. 43-49). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 18.

26. Regarding claim 19, Lai and Bruno teach the system wherein the transcoding module are programmable to transcode between various types of capabilities for the source output and various types of capabilities for the destination input (Lai, col. 10, ll. 50-57). The rationale and motivation utilized to combine Lai and Bruno in claim 1 applies equally as well to claim 19.

27. Regarding claim 20, Lai teaches a system for transferring multimedia information from source to destination locations through one or more networks, the system comprising: a source output coupled to a first network and adapted to provide a first stream of information (col. 7, ll. 21-23, a content provider transmits media over a network) and a destination input coupled to a second network and receiving a second stream of information (col. 6, line 66 – col. 7, line 4, a

Art Unit: 2142

client receives media content via a network) but does not explicitly recite the use of a “protocol selected from the group consisting of H.320, H.323, H.324 and SIP”, however, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example, H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches the utilization of a “protocol selected from the group consisting of H.320, H.323, H.324 and SIP” as recited in claim 20. One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the system protocol conversion process as taught by Bruno with the source/destination capability detection and transcoding process as taught by Lai. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user by utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11). Lai teaches further a proxy transcoder server (“PTS”) coupled between the source output and the destination input, the proxy transcoder server (col. 3, ll. 51-65) comprising: a capability process coupled to the source output, the capability process being adapted to identify the first protocol supported by the source output and adapted to identify the second protocol support by the destination input (col. 10, ll. 50-57); a transcoding process coupled to the capability process, the transcoding process comprising a plurality of transcoding modules numbered 1 through N, where N is an integer greater than 1, the transcoding process being adapted to select one of the plurality of transcoding modules based upon the first protocol and the second protocol (col. 10, ll. 50-57); and a bit rate control process coupled to the transcoding process, the bit rate control process being adapted to receive a network status information from the first network, the bit rate control being adapted to

adjust a status of the stream of information based upon the network status information (col. 21, ll. 15-38).

28. Regarding claim 23, Lai and Bruto teach the system wherein the status is a prioritization status (Lai, col. 16, ll. 60-66). The rationale and motivation utilized to combine Lai and Bruno in claim 20 applies equally as well to claim 23.

29. Regarding claim 24, Lai and Bruno teach the system wherein the status is to adjust a bit rate by selecting a lower bit rate coder (Lai, col. 21, ll. 15-38). The rationale and motivation utilized to combine Lai and Bruno in claim 20 applies equally as well to claim 24.

30. Regarding claim 25, Lai teaches a method for processing streams of information, the method comprising: identifying a source capability from a plurality of source capabilities for a stream of information (col. 7, ll. 21-23, a content provider transmits media over a network); identifying a destination capability from a plurality of destination capabilities (col. 6, line 66 – col. 7, line 4, a client receives media content via a network); selecting a transcoding process from a plurality of transcoding processes in a library based upon the identified source capability and the identified destination capability (col. 10, ll. 50-57).

Lai teaches the use of a transcoder coupled between the source output and the destination input wherein Lai teaches a transcoder transcoding media received from a source then transmits to a destination (col. 3, ll. 51-65 and Figure 6) but does not explicitly teach “wherein the transcoding process is adapted to transcode from a first protocol selected from the group consisting of H.320, H.323, H.324, RTSP, and SIP to a second protocol selected from the group consisting of H.320, H.323, H.324 and SIP”, however, in related art, Bruno teaches in a video telephone/teleconference call environment the call conversion process between, for example,

Art Unit: 2142

H.320 standard to a packetized voice call, H.323, or a similar protocol (see Bruno, col. 3, ll. 34-53) and therefore teaches “wherein the transcoding process is adapted to transcode from a first protocol selected from the group consisting of H.320, H.323, H.324, RTSP, and SIP to a second protocol selected from the group consisting of H.320, H.323, H.324 and SIP” as recited in claim 25. One of ordinary skill in the art at the time of the applicant’s invention would have found it obvious to combine the system protocol conversion process as taught by Bruno with the source/destination capability detection and transcoding process as taught by Lai. One of ordinary skill would have been motivated to make this combination as taught by Bruno wherein it is advantageous to enable a teleconference call between a circuit switched network user and a packet network user by utilizing a multimedia gateway (Bruno, col. 1, line 64 – col. 2, line 11).

Lai teaches further processing the stream of information using the selected transcoding process if the identified source capability and the identified destination capability are different (col. 10, ll. 50-57); and transferring the stream of information from the source to the destination free from one of the transcoding processes if the identified source capability and the identified destination capability matches (col. 12, ll. 15-24).

31. Regarding claim 26, Lai and Bruno teach the method wherein the selected transcoding process is provided by empirical information (Lai, col. 9, ll. 53-58). The rationale and motivation utilized to combine Lai and Bruno in claim 25 applies equally as well to claim 26.

32. Regarding claim 27, Lai and Bruno teach the method wherein the library is a look up table having at least the plurality of source capabilities and the plurality of destination capabilities in a second dimension (Lai, col. 9, ll. 53-58). The rationale and motivation utilized to combine Lai and Bruno in claim 25 applies equally as well to claim 27.

Art Unit: 2142

33. Regarding claims 28-30, Lai and Bruno teach the method wherein the H.324 multimedia system protocol comprises 3GPP-324M. Official notice is taken that 3GPP-324M was old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include 3GPP-324M because 3GPP-324M is commonly used in mobile phone systems.

34. Claims 7, 8, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Bruno in view of Monteiro et al. (US 6,119,163), hereinafter referred to as Monteiro.

35. Regarding claims 7, 8 and 21, Lai and Bruno suggests the need for determining network status in regards to the capabilities of source and destination locations (Lai, col. 21, lines 15-38), but does not explicitly teach the calculation of round trip time in order to assess the congestion of a network at a certain time, the round trip time calculation technique utilizing the use of a ping. However, in related art, Monteiro teaches the use of a ping object in order to perform round trip time calculations (col. 15, lines 10-16) for network congestion determination and to determine the availability of a remote client. One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize the calculation of round trip time including a ping when determining the status of a network as taught by Monteiro and in combination with the teachings of Lai and Bruno. One of ordinary skill in the art would have been motivated to utilize the ping object disclosed by Monteiro in order to attain an accurate calculation of round trip time and the status of a network based on congestion. Monteiro suggests the advantage of using a ping to determine the status of a remote client device (col. 15, lines 13-16).

36. Regarding claim 22, Lai, Bruno and Monteiro teach the system wherein the status is a stop status (Monteiro, col. 15, ll. 13-16). The motivation utilized to combine Lai, Bruno and Monteiro in the rejection of claims 7, 8 and 21 applies equally as well to claim 22.

37. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Bruno in view of Zhu (US 5,870,146).

38. Regarding claim 15, Lai and Bruno teach the transcoding of media bitstreams and the delivery to destinations over a network but does not teach the combining of multiple streams (mixing). However, in related art, Zhu teaches the mixing of multiple media streams into one stream as being well known in the art and therefore would have been an obvious step to one of ordinary skill in the art at the time of the applicant's invention and therefore one of ordinary skill would have found it obvious and would have been motivated to utilize such a step with the Lai and Bruno teachings.

39. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lai and Bruno in view of Floyd et al. (US 7,003,584 B1), hereinafter referred to as Floyd.

40. Regarding claim 17, Lai and Bruno teach the transcoding of media as outlined in the rejection of claim 1 but does not explicitly teach the encryption and decryption of data.

However, in related art, Floyd teaches a transcoder in which data is encrypted/decrypted for added security (Floyd, col. 1, lines 15-24). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to utilize encryption/decryption techniques when transcoding media data as taught by Floyd in combination with the media transcoding methods disclosed by Lai. One of ordinary skill in the art would have been motivated to make such a combination for added security (Floyd, col. 1, lines 15-24).

Response to Arguments

41. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

42. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kato (US 7,039,675 B1) teaches a data communication control apparatus and method adapted to

control distribution of data corresponding to various types of a plurality of terminals

Malkin et al. (US 5,940,391) teaches a method and apparatus for reconfigurable and adaptive stream multicast.

Duffy et al. (US 2002/0199203) teaches a switched digital video gateway.

Tucker et al. (US 6,590,604 B1) teaches a personal videoconferencing system having distributed processing architecture.

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2142

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin A. Ailes whose telephone number is (571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

baa



~~AND~~ EW CALDWELL
BY PATENT EXAMINER